

Regular Meeting.....	December 4, 2002
Location	6900 Atmore Drive Richmond, Virginia
Presiding	J. Granger Macfarlane, Chairman
Present	Donald L. Cahill Clay B. Hester Gregory M. Kallen Colleen K. Killilea Reneé Trent Maxey R. W. Mitchell Sterling C. Proffitt
Absent.....	Dr. Jeffery C. Trimble

6900 Atmore Drive, Richmond, Virginia

Mr. Proffitt, the Liaison Committee Vice Chairman, reviewed the Board items discussed in committee. He noted that delays in the receipt of court orders by the Department had been a concern previously discussed by the committee. This concern also prompted a meeting by the Department's Classification & Records Manager with court clerks statewide during a recent conference. It was reported that since that discussion, the situation has improved. Mr. Proffitt then went on to summarize the Prisoner Population, Jail Construction, and Jail Contract Bed Program reports as

presented to the committee. He listed all of the jail projects currently underway as well as those in the planning stages. At this point in his report, there was general conversation with reference to the out-of-state inmate and the out-of-compliance figures.

The Board Chairman moved to accept a motion to approve the Liaison Committee's report as presented. That *MOTION* was duly made by Mr. Kallen, seconded by Mr. Mitchell, and unanimously *APPROVED* by a verbal response in the affirmative by six members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell). There were no opposing votes noted. Mr. Proffitt did not vote on his report. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

IV. Administration Committee (Ms. Killilea)

The Committee Chairman noted there were no financial reports this time around. Ms. Killilea then proposed the following exchange/transfer of land for consideration by the Board. She noted that with this exchange, the Department would gain a parcel of land that had a creek running through it that could be used to provide water for cattle being pastured at the facility as well as it would be much easier and less costly to fence and farm. Mr. Talbott would gain property adjacent to his existing property. It was described as a win-win situation.

Exchange/Transfer of 11.61± Acres of Land Between Mr. E. E. Talbott, Jr., and the Buckingham Correctional Center, Virginia Department of Corrections, which resolution was read into the record by Mr. Kallen:

Pursuant to Section 53.1-18 of the Code of Virginia, I move that the Board approve the exchange/transfer of 11.61± acres of land between Mr. E. E. Talbott, Jr., and the Buckingham Correctional Center, Virginia Department of Corrections. It is understood this transfer/exchange will be made upon terms and conditions as deemed appropriate by the Department of General Services, the Department of Corrections, and the Secretary of Administration as the Governor's designee for these matters. The Director of the Department of Corrections is hereby authorized to sign all documents in furtherance of the transfer/exchange of this parcel of real estate.

The Board Chairman moved to accept a motion to approve the recommended resolution as read. That *MOTION* was duly made by Mr. Kallen, seconded by Mr. Mitchell and unanimously *APPROVED* by a verbal response in the affirmative by seven members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt). There were no opposing votes noted. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

Statement of Internal Control

This item was provided to the Board for informational purposes only. Deficiencies noted during the audit were described as very minor and it was stated that they have been corrected.

The Committee Chairman noted that the quarterly overtime and annual Management Information Summary would be presented in February.

The Board Chairman moved to accept a motion to approve the Administration Committee's report as presented. That *MOTION* was duly made by Mr. Cahill, seconded by Mr. Mitchell and unanimously *APPROVED* by a verbal response in the affirmative by six members (Cahill, Hester, Kallen, Maxey, Mitchell, Proffitt). There were no opposing votes noted. Ms. Killilea did not vote on her report. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

V. Correctional Services Committee Report/Policy & Regulations (Ms. Maxey)

Community Corrections/Local Jail Certifications

Albemarle Charlottesville Regional Jail – Unconditional Certification granting approval of the appeal noted to Standard 3.7.

Amherst County Jail – Unconditional Certification.

Russell County Jail – Unconditional Certification.

Warren County Jail – Unconditional Certification.

Gemeinschaft Residential Home – Unconditional Certification granting approval of the appeal noted to Standard 110A.

Peninsula Day Reporting Center – Unconditional Certification.

Friends of Guest House, Inc. – Unconditional Certification. This facility was placed on probationary certification in November of 2001. Since that time, the facility has been monitored with the Compliance & Accreditation Unit checking back as directed by the Board. It is now confirmed by the Compliance & Accreditation Unit that the facility has completed all plans of action submitted as a result of its 2001 compliance audit and is adhering to their corrective plans of action as submitted.

Alexandria Adult Detention Center – Unconditional Certification.

Hampton City Jail – Unconditional Certification.

The Board Chairman moved to accept a motion to approve the Committee's recommendations as presented above. That *MOTION* was duly made by Ms. Maxey, seconded by Mr. Hester and unanimously *APPROVED* by a verbal response in the affirmative by seven members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt). No opposing votes were noted. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

Danville Adult Detention Center – *Continue Probationary Certification due to incomplete plans of action.*

Bedford County Adult Detention Center - BRRJA (100% compliance) – Unconditional Certification.

Chesapeake Correctional Center (100% compliance) – Unconditional Certification to Include Male Juveniles.

Dinwiddie County Jail (100% compliance) – Unconditional Certification.

Moneta Adult Detention Center - BRRJA (100% compliance) – Unconditional Certification.

Montgomery County Jail (100% compliance) – Unconditional Certification to Include Male Juveniles.

Jail Inspections

Albemarle Charlottesville Regional Jail - 100% compliance.

Hampton City Jail and Annex – 100% compliance.

Richmond City Jail – 100% compliance.

Roanoke County Jail – 100% compliance.

Rockbridge Regional Jail – 100% compliance.

Each of the italicized items listed above was discussed but no motion or call for vote was presented. In order to accurately reflect the Board's recommendations with reference to these facilities, a vote on the record during the January, 2003, Board meeting will be held.

Board Motion to Approve Martinsville City Jail's Request to House Juvenile Offenders

Before acting on the suggested Board motion, Ms. Killilea asked if any discussion was had with the Department of Juvenile Justice and the Department of Criminal Justice Services' Juvenile Section as relates to the Code's sight and sound requirements for juveniles housed in an adult facility. She shared the concern that if these requirements were not both being met, the facility could be in jeopardy of losing federal funding. Mr. Howerton noted that the juvenile and adult sections of the jail in Martinsville are totally separate. Ms. Killilea indicated that was fine insofar as meeting the sight requirement but asked what steps had been taken to ensure the sound compliance requirement. Mr. Howerton went on to explain that this was for 6-hour holds only for temporary detention of juveniles and stated DCJS has been to Martinsville and the facility meets their requirements.

The Board Chairman moved to accept a motion to approve the Correctional Services Committee's recommendation on Martinsville City Jail's request to house juvenile offenders. That *MOTION* was duly made by Ms. Maxey, seconded by Mr. Cahill and unanimously *APPROVED* by a verbal response in the affirmative by seven members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt). There were no opposing votes noted. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted. The following verbiage is placed in the minutes for historical purposes.

The Board of Corrections approves the request of the Martinsville City Jail for the temporary detention of juvenile offenders (6-hour holding) as authorized by Section 16.1-249 of the Code of Virginia.

Board Motion to Approve Suspension of 2002 Unannounced Inspections

It was noted that since the last motion approved by the Board with respect to suspending 2002 unannounced inspections, nine (9) more jails have achieved 100% audit compliance. The Committee Chairman offered the following verbiage for approval by the Board:

The Board of Corrections congratulates those jails and lockups attaining full compliance with state standards through 100% certification audits conducted this year and in recognition of this achievement, the Board suspends the 2002 annual inspection for the following facilities: Dinwiddie County Jail; Montgomery County Jail; Sussex County Jail; Chesapeake City Jail; Patrick County Jail; Southside Regional Jail; Fluvanna County Lockup; Fairfax County Mason Street Lockup; Fairfax County Mt. Vernon Street Lockup.

The Board Chairman moved to accept a motion to approve the Correctional Services Committee's recommendation to suspend 2002 unannounced inspections for the facilities noted above. That *MOTION* was duly made by Ms. Maxey, seconded by Mr. Proffitt and unanimously *APPROVED* by a verbal response in the affirmative by seven members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt). There were no opposing votes noted. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

Policy & Regulations (Ms. Maxey)

Ms. Maxey reported that the Committee had reviewed the Board Chairman's suggested amendments to the Board's By-Laws and had agreed to table the changes in order to give the full Board an opportunity to review and discuss any and all proposed changes/amendments at one time. The Board Chairman asked for any comments or thoughts about this proposal.

It was agreed that any proposed changes to the By-Laws should be submitted to the Policy & Regulations Committee for their collection and review. Once that review has been accomplished, a draft of the proposed By-Laws will be circulated for further comment by the Board. Mr. Katz will assist in this process by reviewing the proposed changes prior to any formal presentation. Once his review has been completed, the new By-Laws will be reported to the full Board for final approval.

Other

Ms. Maxey noted that she had selected Mr. Cahill as vice chairman of the Correctional Services Committee. The full committee had not voted on this selection; however, for the record it was noted that the Committee Chairman had historically named their vice chairman. That being said, Mr. Cahill was congratulated on his selection. No action by the Board is required.

Mr. Hester asked whether proper public notice had been given of the Board's Liaison Committee. The Board was assured that the proper notice of that meeting and all meetings of the Board had been given in accordance with the state's FOIA laws.

The Board Chairman asked the Ms. Maxey if any Committee discussion had taken place with regard to **Caroline Correctional Field Unit #2**. Ms. Maxey stated there had not. The Board Chairman stated that at the last Board meeting, it was discussed and agreed that the Compliance & Accreditation Unit would check back with the facility not later than 120 days from the date of the Board meeting to ensure completion of and adherence to the corrective plans of action submitted as a result of their compliance audit. The Board Chairman asked if the Unit had been back to the facility. Ms. Lawrence stated that the 120 days had not yet expired so the Unit had not been back but stated that as soon as it does, the Unit will check back and bring a full report to the Board at that time.

The Board Chairman also noted that at the last Board meeting there were several **Probation & Parole Districts** reported to be out of compliance with Standard 3059. He asked Ms. Maxey whether any new information had been presented to the Committee that would cause a change to their compliance status. Ms. Maxey stated that the item has been deferred until such time as the funding issue has been addressed and resolved by the Department. Mr. Hagenlocker asked that these facilities again be deferred to the next Board meeting, which was agreed.

The Board Chairman asked Ms. Maxey if any action had taken place with reference to the **Norfolk Day Reporting Center** as it had been previously reported to the Board that the Compliance & Accreditation Unit would check back in not less than 90 days from the date of the last Board meeting to ensure completion of and adherence to their corrective plans of action submitted as a result of their compliance audit. Ms. Lawrence stated that the 90 days had not yet expired so the Unit had not been back but stated that the facility is on the schedule and the visit will be accomplished before the next Board meeting and a report will be made at that time.

The **Danville Adult Detention Center** continues on probationary certification due to its incomplete plans of action. The **Dinwiddie County Jail** has achieved 100% compliance and is now unconditionally certified. The **Northampton County Jail** continues on probationary certification. The corrective plans of action are being adhered to as best as the facility can but due to the age and the condition of the physical plant of the jail, the

only solution to their continuing problems is to undertake new construction, which is being considered by the locality.

VI. Executive Committee (Board Chairman)

The Chairman explained his concept of the Executive Committee. His stated purpose was to restructure the Board's Committee arrangement as a result of the budget situation because the Department has received reductions and may receive additional reductions. It is his plan to have the Director and the Board's Committee Chairs sit on this new committee in order to meet and visit about the budget (reductions). The Chairman went on to explain that he does not expect to meet every time but in light of the budget crises, he feels it incumbent on the Board to know what its responsibilities are insofar as the budget is concerned. Mr. Kallen reiterated the fact that the Code states one duty of the Board is to review and comment on the Department's budget requests prior to their submission. At this time, there was lengthy general discussion around the room concerning the latest budget reductions and the process undertaken to achieve same. Several Board members voiced their concern and displeasure about the way the process was undertaken.

At this time there was a brief recess of the Board.

The meeting was then reconvened.

VII. Closed Session

By *MOTION* duly read by Ms. Killilea, who duly recorded the verbal affirmative of all eight Board members present (Dr. Trimble was absent), the Board reconvened in Closed Session pursuant to Section 2.2-3711 (a)(19) of the Code of Virginia for those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety. There was no record of a second to the motion.

All meeting attendees remained in the room while the Closed Session item was discussed. The Board then returned to Open Session whereupon an individual roll call vote was taken by Mrs. Woodhouse whereby Board Members were requested to vote that to the best of their knowledge, 1) only public business matters lawfully exempted from Open Meeting requirements by Virginia law were discussed in the Closed Meeting and 2) only such business matters as were identified in the motion convening the Closed Meeting were heard, discussed, or considered. All eight Board members present noted a verbal response in the affirmative.

On *MOTION* duly made by Mr. Proffitt, seconded by Mr. Mitchell and unanimously approved by verbally responding in the affirmative (Cahill, Hester, Kallen, Macfarlane, Maxey, Mitchell, Proffitt), the suggested modification to the Board's previously

approved sentence reduction in this case ***WAS NOT APPROVED***. No opposing votes were noted. Ms. Killilea ***ABSTAINED*** from the vote. Dr. Trimble was absent.

VIII. Other Business

There was no other business offered for discussion.

IX. Future Meeting Plans

The Board Chairman noted that the General Assembly will be in session during January and February and he had held open these months for discussion as to possible meetings during that time. He suggested that the Board meet at least one time during the session and again after the cross over. Mr. Hester suggested that the Board meet every other month beginning in January, 2003. This way, it would be meeting once while the General Assembly was in session and once after the session had concluded. By meeting in **January, March, May, July, September, and November**, the meetings for the year would be concluded well before the Christmas holidays. Ms. Killilea noted by meeting in January, the Administration Committee will only have the overtime report for review.

The Board Chairman moved to accept a motion to approve the proposal that the Board meet every other month beginning in January, 2003. That ***MOTION*** was duly made by Mr. Hester, seconded by Mr. Mitchell and unanimously ***APPROVED*** by a verbal response in the affirmative by seven members (Cahill, Hester, Kallen, Killilea, Maxey, Mitchell, Proffitt). There were no opposing votes noted. Dr. Trimble was absent. As a tie-breaking vote was not necessary, a vote by the Board Chairman was not noted.

Consideration was given to a prior suggestion that the Board meetings fall on the 3rd Wednesday in order to accommodate members' schedules. It was agreed that the Board meeting will fall on the **3rd Wednesday** of every other month. The schedule is set as follows:

January 15, 2003
March 19, 2003
May 21, 2003
July 16, 2003
September 17, 2003
November 19, 2003

Liaison Committee – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 14, 2003.

Correctional Services/Policy & Regulations Committee – 1:00 p.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 14, 2003.

Administration Committee – 8:30 a.m., Room 3065, 6900 Atmore Drive, Richmond, Virginia, January 15, 2003.

Board Meeting – 10:00 a.m., Board Room, 6900 Atmore Drive, Richmond, Virginia, January 15, 2003.

X. Adjournment

There being nothing further, the meeting was adjourned.

(Signature copy on file)

J. GRANGER MACFARLANE, CHAIRMAN

COLLEEN K. KILLILEA, SECRETARY